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New Jersey Office of the Attorney General

Division of Consumer Affairs
New Jersey State Board of Physical Therapy Examiners
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NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS

PUBLIC SESSION MINUTES

March 22, 2016

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A regular meeting of the New Jersey State Board of Physical Therapy Examiners was held at 124 Halsey Street, Newark, New Jersey, in the Somerset Conference Room, 6th Floor, on Tuesday March 22, 2016. The meeting was convened in accordance with the provisions of the Open Public Meetings Act. **Beth Sarfaty, Chairperson of the Board**, called the meeting to order at 9:40 A.M. and a roll call was taken and the following attendance was recorded:

BARBARA J. BEHRENS, P.T.A.	Present
DAVID BERTONE, P.T.	Present
JEAN BICKAL, ESQ	Present
NANCY KIRSCH, P.T.	Present
CINDY MOORE, P.T.	Present
BETH SARFATY, P.T.	Present
RICHARD STONEKING, P.T.	Present
KAREN WILK, P.T.	Excused

Also present were: **Carmen Rodriguez, Deputy Attorney General; Lisa Tadeo, Executive Director**

Members of the public: Cathy Chin, representative of Select Medical and Jessica Fulmino, PT

PUBLIC COMMENT

I. APPROVAL OF THE MINUTES OF FEBRUARY 23, 2016 BOARD MEETING

A motion was made by Nancy Kirsch and seconded by Jean Bickal to accept the minutes of the February 23, 2016 Board meeting as amended. A vote was taken and the motion carried by a unanimous vote.

II. NEW BUSINESS

A. Election of Officers for 2016

Lisa Tadeo, Executive Director, took the chair to conduct the election of Board Officers for 2016.

Mrs. Tadeo called for nominations for Chairperson and a motion was made by Nancy Kirsch and seconded by Barbara J. Behrens to nominate Beth Sarfaty for Chairperson of the Board for 2016. Mrs. Tadeo called for further nominations and there were none. Barbara Behrens made a motion, seconded by Jean Bickal to close the nominations and elect Beth Sarfaty Chairperson of the Board by acclamation.

Mrs. Tadeo called for nominations for Vice Chairperson and a motion was made Nancy Kirsch and seconded by Barbara J. Behrens to nominate Cindy Moore for Vice Chairperson of the Board for 2016. Mrs. Tadeo called for further nominations and there were none. Jean Bickal then made a motion, seconded by Richard Stoneking to close the nominations and elect Cindy Moore Vice Chairperson by acclamation.

Mrs. Tadeo called for nominations for Secretary and a motion was made by Nancy Kirsch and seconded by Jean Bickal to nominate David Bertone for Secretary of the Board for 2016. Mrs. Tadeo called for further nominations and there were none. Barbara J. Behrens then made a motion, seconded by Jean Bickal to close the nominations and elect David Bertone Secretary of the Board by acclamation. The vote of the Board was unanimous.

B. Continuing Education Course Reviewers' Recommendations

Nancy Kirsch recused herself as she is employed by Rutgers.

The Board reviewed the recommendations of the course reviewers at Rutgers, The State University of New Jersey, for continuing education courses submitted by sponsors for the Board's approval. A motion was made by Jean Bickal and seconded by Cindy Moore to accept the course reviewers recommendations as presented. The 158 approved courses will be posted on the New Jersey State Board of Physical Therapy Examiners' website. Sixteen courses were denied, as they did not meet all the requirements set forth in N.J.A.C. 13:39A-9 et. seq. A vote was taken and the motion carried by a unanimous vote.

III. OLD BUSINESS

A. Response from Rajat Patel
RE: National Physical Therapy Exam
Appeal Form

Mr. Patel has taken the National Physical Therapy Examination (NPTE) eight times and has not achieved a passing score. The Federation of State Boards of Physical Therapy will not allow him to register for another exam as he has exceeded the number of attempts to pass the NPTE. Mr. Patel provided the Board with a completed NPTE appeal form and asked that he be allowed to take the NPTE again.

Mr. Patel provided the Board with a detailed written explanation of what he has done since the last time he took the exam to prepare for the next NPTE.

A motion was made by Jean Bickal and seconded by Nancy Kirsch to allow Mr. Patel to take the NPTE again. A vote was taken and the motion carried by a unanimous vote.

- B. Response from Juan Flores, Jr.
RE: National Physical Therapy Exam
Appeal Form

Mr. Flores has taken the National Physical Therapy Examination (NPTE) six times and has not achieved a passing score. The Federation of State Boards of Physical Therapy will not allow him to register for another exam as he has exceeded the number of attempts to pass the NPTE. Mr. Flores provided the Board with a completed NPTE appeal form and asked that he be allowed to take the NPTE again.

Mr. Flores provided the Board with a detailed written explanation of what he has done since the last time he took the exam to prepare for the next NPTE.

A motion was made by Jean Bickal and seconded by Barbara J. Behrens to allow Mr. Flores to take the NPTE again. A vote was taken and the motion carried by a unanimous vote.

- C. Inquiry from Stephanie Braun, PT
RE: Scope of Practice

Ms. Braun inquired whether it was within the scope of practice of a physical therapist to teach a movement class based on the anatomy and physiology of the autonomic nervous system. Ms. Braun informed the Board that she wants to offer the class in her community to groups that may not be able to afford physical therapy to provide a way to educate people to empower themselves to take care of their health.

A motion was made by Cindy Moore and seconded by Barbara J. Behrens to inform Ms. Braun that it is within the scope of practice. The Board will refer Ms. Braun to the regulation N.J.A.C. 13:39A-3.1(d) *Patient records*. If the instruction/education is designed for an individual, then the physical therapist must maintain a patient record for that individual. A vote was taken and the motion carried by a unanimous vote.

- D. Inquiry from Elizabeth S. Pignatiello, PT
RE: Continuing Education

Ms. Pignatiello informed the Board that she recently moved to another country temporarily. Ms. Pignatiello asked the Board to allow her to complete the entire continuing education requirement through distance learning courses for the next renewal period due to her circumstances.

A motion was made by David Bertone and seconded by Richard Stoneking to permit Ms. Pignatiello to complete the entire continuing education requirement through distance learning courses from February 1, 2016 through January 31, 2018. A vote was taken and the motion carried by a unanimous vote.

E. Inquiry from Ladacin Network
RE: Scope of Practice

Deborah L. Eyer informed the Board that Ladacin Network provides therapy services in local private schools for children with special needs through a transdisciplinary (TD) approach. Ms. Eyer explained that part of the TD approach is training other professionals and para-professionals in carrying out some of the daily responsibilities that the therapist delegate to them following the training. Ms. Eyer inquired if a physical therapist evaluates the student and recommends a certain number of clicks with a splint/brace, can the clicks be done by a staff in training as well as the daily follow through with the physical therapist's supervision.

A motion was made by Nancy Kirsch and seconded by Richard Stoneking to inform Ms. Eyer that the clicks can be done by para-professionals if they are properly trained and show that they are competent to perform the task. A vote was taken and the motion carried by a unanimous vote.

F. Inquiry from Kenneth Maily, PT
RE: Continuing Education

Mr. Maily inquired whether the Board pre-approves the Commission on Accreditation in Physical Therapy Education (CAPTE) workshop for continuing education in New Jersey as an American Physical Therapy Association (APTA) sponsored event.

A motion was made by Nancy Kirsch and seconded by Jean Bickal to inform Mr. Maily that the CAPTE accreditation workshop is not pre-approved. A vote was taken and the motion carried by a unanimous vote.

G. Notice from the Federation of State Boards of Physical Therapy
RE: Continuing Competence Credit for oPTion

The FSBPT asked the Board to review information that would be posted on its website concerning oPTion.

A motion was made by Barbara J. Behrens and seconded by Jean Bickal to inform the FSBPT that New Jersey does require pre-approval of online competence activities and that they can submit an application for continuing education approval. A vote was taken and the motion carried by a unanimous vote.

H. Assembly, No. 3453
(Synopsis - Requires all public bodies to allow public comment at every meeting)

A motion was made by Nancy Kirsch and seconded by Barbara J. Behrens to advise the Division of Consumer Affairs legislative liaison that the Board supports this bill. A vote was taken and the motion carried by a unanimous vote.

IV. INFORMATIONAL

A. New Jersey Jurisprudence Assessment Module Statistic Report

The Board reviewed the report and considered it informational.

B. Federation of State Boards of Physical Therapy
February 2016 News Brief

The Board reviewed the Federation of State Boards of Physical Therapy February 2016 News Brief and considered it informational.

Upon a motion made by Jean Bickal and seconded by Cindy Moore, the Board voted to go into Executive Session to discuss the following matters involving investigations of violations of the Board's enabling act, the Uniform Enforcement Act and/or Board regulations.

1. Nine matters filed with the Board, which require review and additional recommendations with regard to investigations and/or actions.
2. Three matters where additional information has been submitted to the Board concerning pending investigations.

APPLICATIONS APPROVED BY THE BOARD

1. Shwetambari Nikhilesh Korde
2. Jericha Faith M. Dominguez
3. Jagadish Annepu
4. Rachelle M. Ayonayon
5. Pankti D. Barot
6. Ashter Yburan
7. Jed Marie Dominguez
8. Disha Jatin Vin

ADJOURNMENT

The Board returned to Public Session and a motion was made by David Bertone and seconded by Cindy Moore to adjourn the meeting at 1:00 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Lisa Tadeo
Executive Director